

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION – DISTRICT COURT

Mr. Michael Moates, MA, QBA, LBA,

Plaintiff

v.

Michael Arismendez, in his capacity as Executive
Director of the Texas Department of Licensing and
Regulation;

Texas Department of Licensing and Regulation; and

Behavior Analyst Certification Board;

Case No.: 4:22-cv-00262-P-BJ

MOTION TO STAY AND
RECONSIDER

Plaintiff Michael Moates hereby request this court issue an order staying the ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE. Further, the Plaintiff requests the court reconsider its order given new circumstance that have come to light.

Defendant Behavior Analyst Certification Board has filed civil litigation in the Jefferson County District Court of Colorado. See attachment 1. The Plaintiff intends to file a notice of removal within the next 7 business days. The Plaintiff will then file a Motion to Consolidate with this court. The cases cover similar questions of fact/law. It would be redundant litigation for similar facts and the causes of action are more appropriate for a counter-claim. Should the court grant this motion, the Plaintiff respectfully withdraws his appeals to the Fifth Circuit Court of Appeals.

SERVICE

1. Plaintiff Moates can be served and consents to service via email if service is sent to both email addresses: michaelsmoates@gmail.com and michael@gibpe.org
2. Defendants Texas Department of Licensing and Regulation and its Executive Director have consented to service via email on 8 February 2022. The email is Elizabeth.Salinas-Strittmatter@tdlr.texas.gov. **See Exhibit H.**
3. Defendant Behavior Analyst Certification Board can be served at Behavior Analyst Certification Board, 7950 Shaffer Parkway, Littleton, CO 80127.

Respectfully Submitted,

/s/ Michael S. Moates, MA, OBA, LBA

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